

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1944.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	August 30, 2002
DATE OF REPORT:	October 4, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 25, 2002

COMPLAINT ISSUES:

Whether the New Albany-Floyd county Consolidated Schools and the New Albany-Floyd County Consolidated School Corporation violated:

511 IAC 7-25-5(c) by failing to respond to the parent's request for an independent educational evaluation (IEE) within ten business days of the school's receipt of the request.

511 IAC 7-25-5(i) by imposing conditions upon the request of an IEE at public expense, specifically, approving payment for the student to be evaluated for an attention deficit disorder when the parent requested the student be evaluated for a learning disability and a central auditory processing disorder.

511 IAC 7-25-3(i) by determining the student's eligibility for special education, services, and placement on the basis of a single test or procedure or sole criterion.

FINDINGS OF FACT:

1. The student (Student) is 10 years old and is eligible for special education and related services as a student with a learning disability.
2. The CCC convened on January 10, 2002. The CCC included in the IEP a written recommendation for "a medical evaluation to explore attention deficit disorder (ADD) and attention deficit hyperactive disorder (ADHD)." The January 10, 2002, IEP documents that the Complainant requested a neurological evaluation. The Director of Special Education (Director) received a letter from the Complainant on January 14, 2002, requesting an "independent neurological evaluation" for the Student, because of a concern regarding (ADD) and (ADHD). The Complainant submitted a letter dated January 15, 2002, requesting several items, including: an independent evaluation. The Director mailed a letter to the Complainant dated January 30, 2002, that included information the Complainant needed in order to obtain the requested evaluation.
3. The Director mailed a letter to the complainant dated February 7, 2002, reminding the complainant that the "specific issue related to the evaluation is the degree to which ADD/ADHD may be impacting upon [Student's] education." The Director informed the Complainant that the School would only pay for an evaluation addressing the ADD/ADHD issue, and agreed to the Complainant's choice of agencies to conduct the evaluation. There is no documentation supporting that the Complainant requested an evaluation for a learning disability and a central auditory processing disorder. The Director does not recall the Complainant making such a request.

4. The Student was evaluated by the School on October 25, 29, and November 8, 2001. The multidisciplinary team that conducted the Student's evaluation included classroom teachers, a special education teacher licensed in the area of suspected disability (learning disability), an educational diagnostician, a school psychologist, and a speech/language therapist. Several tests were administered to the Student, including: Wechsler Intelligence Scale for Children-Third Edition, Connors Parent Rating Scale, and Test of Auditory Processing. Teacher, parent, and student interviews, and Behavior and classroom observations were also utilized in conducting the Student's evaluation.

CONCLUSIONS:

1. Finding of Fact #2 establishes that on January 10, 2002, the CCC determined additional testing was appropriate for the Student to explore ADD/ADHD. At the same time, the Complainant requested a neurological evaluation. The Director mailed a letter to the Complainant on January 30, 2002, stating the information the Complainant needed in order to obtain an independent evaluation. The School is required to respond to a parent's request for an independent evaluation within ten business days. The timeline would have elapsed on January 24, 2002. Therefore, a violation of 511 IAC 7-25-5(c) is found.
2. Finding of Fact #3 indicates that there is not documentation supporting that the Complainant requested evaluations for a learning disability and a central auditory processing disorder. Therefore, a violation of 511 IAC 7-25-5(i) is not found.
3. Finding of Fact #4 reflects that a team of qualified professionals conducted the Student's educational evaluation on October 25, 29, and November 8, 2002. A variety of assessments and information were gathered to provide relevant information regarding the Student's suspected disability. Therefore, a violation of 511 IAC 7-25-3(i) is not found.

The Department of Education, Division of Exceptional Learners requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The New Albany-Floyd County Consolidated Schools shall:

Send an assurance letter stating that the School, upon a parent's request for an independent evaluation, will do one of the two following actions within ten business days of the School's receipt of the parent's request:

1. Initiate a due process hearing to show its educational evaluation is appropriate; or
2. Notify the parent in writing that the independent educational evaluation will be at public expense.

A copy of the assurance letter shall be submitted to the Division no later than October 14, 2002.